United Nations A/BUR/59/SR.5

General Assembly
Fifty-ninth session

Official Records

Distr.: General
10 November 2004

Original: English

General Committee

Summary record of the 5th meeting
Held at Headquarters, New York, on Wednesday, 27 October 2004, at 9.15 a.m.

Chairman: Mr. Ping (President of the General Assembly) ..... (Gabon)

Contents

Agenda item 8: Organization of work, adoption of the agenda and allocation of items (*continued*)

Request for the inclusion of an additional item entitled "Andean Zone of Peace"

Request for the inclusion of an additional item entitled "Observer status for the South Asian Association for Regional Cooperation in the General Assembly"

Request for the inclusion of an additional sub-item entitled "Election of a member of the International Court of Justice"

Request for the inclusion of an additional item entitled "The situation in the occupied territories of Azerbaijan"

Joint debate on agenda item 36 (The situation in the Middle East) and agenda item 37 (Question of Palestine)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

04-57416 (E)

The meeting was called to order at 9.30 a.m.

Agenda item 8: Organization of work, adoption of the agenda and allocation of items (*continued*)

Request for the inclusion of an additional item entitled "Andean Zone of Peace" (A/59/235)

1. **The Chairman** drew attention to a request by a number of Member States for the inclusion in the agenda of the current session of an additional item entitled "Andean Zone of Peace", contained in document A/59/235.

2. The representative of Peru had expressed the wish to address the Committee on the matter under rule 43 of the rules of procedure.

3. *At the invitation of the Chairman, Mr. de Rivero (Peru) took a place at the Committee table.*

4. **Mr. de Rivero** (Peru), speaking on behalf of the countries members of the Andean Community, Bolivia, Colombia, Ecuador, Peru and Venezuela, said that the Andean Zone of Peace, established on 12 July 2004, covered the territories, airspace and waters under the sovereignty and jurisdiction of those countries. It constituted the consolidation of various regional and subregional security initiatives. The objectives of the Zone were to ensure compliance with the prohibition on the threat or use of force among the Andean countries; to encourage, within the Andean Community, the prevention of conflicts and their peaceful solution; to contribute to international disarmament and the effective prohibition of weapons of mass destruction and their passage through the subregion, as well as the final eradication of anti-personnel mines; to promote the design and implementation of an Andean programme of confidence-building and security-building measures; and to encourage participation by the Andean countries in peacekeeping operations, under the authority of the United Nations. Those objectives were in conformity with the purposes and principles of the Charter of the United Nations. The inclusion of the item in the agenda would signal the Organization's recognition of and support for the initiative of the Andean countries.

5. *Mr. de Rivero (Peru) withdrew.*

6. *The Committee decided to recommend that the General Assembly should include the additional item in the agenda of the fifty-ninth session, under heading A (Maintenance of international peace and security), and that it should be considered directly in plenary meeting.*

Request for the inclusion of an additional item entitled "Observer status for the South Asian Association for Regional Cooperation in the General Assembly" (A/59/234)

7. **The Chairman** drew attention to a request by a number of Member States for the inclusion in the agenda of the current session of an additional item entitled "Observer status for the South Asian Association for Regional Cooperation in the General Assembly", contained in document A/59/234.

8. The representative of Pakistan had expressed the wish to address the Committee on the matter under rule 43 of the rules of procedure.

9. *At the invitation of the Chairman, Mr. Abbas (Pakistan) took a place at the Committee table.*

10. **Mr. Abbas** (Pakistan), speaking on behalf of the States members of the South Asian Association for Regional Cooperation (SAARC), said that the Association, which represented the seven countries of South Asia, had been established at the first summit meeting of the South Asian Heads of State or Government, held in Dhaka in December 1985. Its objectives were to promote the welfare of the peoples of South Asia and to improve their quality of life by accelerating economic growth, social progress and cultural development in the region through cooperation among the member States. It also sought to strengthen cooperation with other developing countries. The request for the inclusion of the item had been submitted pursuant to a decision of the SAARC Council of Ministers. He trusted that it would receive the Committee's unanimous support and that the Association would be granted observer status at the earliest opportunity.

11. *Mr. Abbas (Pakistan) withdrew.*

12. *The Committee decided to recommend that the General Assembly should include the additional item in the agenda of the fifty-ninth session, under heading 1 (Organizational, administrative and other matters).*

13. **The Chairman** drew attention to the provisions of General Assembly resolution 54/195 concerning the criteria and procedures for the granting of observer status in the General Assembly.

14. *The Committee decided to recommend to the General Assembly that the additional item should be allocated to the Sixth Committee.*

Request for the inclusion of an additional sub-item entitled "Election of a member of the International Court of Justice" (A/59/237)

15. **The Chairman** drew attention to a request by the Secretary-General for the inclusion in the agenda of the current session of an additional sub-item entitled "Election of a member of the International Court of Justice" under agenda item 15 (Elections to fill vacancies in principal organs), contained in document A/59/237.

16. *The Committee decided to recommend that the General Assembly should include the additional sub-item in the agenda of the fifty-ninth session as a sub-item of agenda item 15, under heading I (Organizational, administrative and other matters).*

17. **The Chairman** recalled that agenda item 15 had been considered directly in plenary meeting.

18. *The Committee decided to recommend to the General Assembly that the additional sub-item of agenda item 15 should also be considered directly in plenary meeting.*

Request for the inclusion of an additional item entitled "The situation in the occupied territories of Azerbaijan" (A/59/236 and Add.1)

19. **The Chairman** drew attention to a request by Azerbaijan and Turkey for the inclusion in the agenda of the current session of an additional item entitled "The situation in the occupied territories of Azerbaijan", contained in documents A/59/236 and Add.1.

20. **Mr. Aliyev** (Azerbaijan) said the lack of an effective response to the obvious threats to his country's sovereignty and territorial integrity, in spite of the relevant Security Council resolutions, made it urgent to include the issue of the situation in the occupied territories of Azerbaijan in the agenda of the fifty-ninth session of the General Assembly. His delegation's warnings about attempts to colonize its territory with a view to pre-empting the return of 750,000 internally displaced persons had likewise gone unheeded; its only option was therefore to appeal for consideration of the situation by the General Assembly, in order to reverse the illegal practices in the occupied territories of Azerbaijan, which violated international law.

21. His delegation wished to facilitate, not replace, the Organization for Security and Cooperation in Europe (OSCE) peace process and in accordance with Article 11, paragraph 2, of the Charter of the United Nations had the right to request that the General Assembly also consider the situation in the occupied territories of Azerbaijan. It would welcome discussion of that issue and was supported in its request by the 56 Member States of the United Nations which were members of the Organization of the Islamic Conference (OIC). He hoped his delegation's request would be supported by the General Committee in keeping with the fundamental principles of the Organization.

22. **The Chairman** said that the representative of Turkey had expressed the wish to address the Committee on the matter under rule 43 of the rules of procedure.

23. *At the invitation of the Chairman, Mr. Pamir (Turkey) took a place at the Committee table.*

24. **Mr. Pamir** (Turkey) said that his delegation believed, as a matter of principle, that no Member State should be precluded from requesting the inclusion in the agenda of additional items for the purpose of informing members about matters they wished to bring to the attention of the international community. He had therefore addressed a letter to the President of the General Assembly, in his capacity as Chairman of the Organization of the Islamic Conference (OIC) Group at the United Nations, in support of the request by Azerbaijan.

25. The Chairman said that a number of non-member non-sponsors had asked to participate in the discussion. He took it that the Committee agreed to waive rule 43 of the rules of procedure.

26. *It was so decided.*

27. *At the invitation of the Chairman, Mr. Martirosyan (Armenia), Mr. Grey-Johnson (Gambia), Mr. Zain (Malaysia) and Mr. Akram (Pakistan) took places at the Committee table.*

28. **Mr. Duclos** (France), speaking on behalf of the co-chairs of the Minsk Group, recalled that the Organization for Security and Cooperation in Europe (OSCE) had long been involved in seeking a peaceful

settlement of the situation in Azerbaijan, in particular through the Minsk Group. The Group had recently initiated the "Prague Process", which involved meetings between the Ministers for Foreign Affairs of Azerbaijan and Armenia and had led to productive discussions. At the recent meeting of the Commonwealth of Independent States (CIS) in Kazakhstan, the Group had suggested a review of the situation and was waiting for comments from the parties.

29. The concerns raised by Azerbaijan could be fully addressed within the existing process. Inclusion of a new agenda item for the General Assembly, given recent progress, could have a negative effect on efforts under way and would not lead to consensus; such a situation should be avoided. The General Assembly was not the appropriate forum for dealing with that issue; furthermore, from a procedural point of view, the issue in question did not meet the criteria of urgency and importance specified in rule 15 of the rules of procedure of the General Assembly.

30. **Mr. Martirosyan** (Armenia) said that, in accordance with rule 15 of the rules of procedure, only items of an important and urgent character could be placed on the agenda during a regular session. However, there was no urgent situation in Nagorny Karabakh or the surrounding territories, nor had the explanatory memorandum submitted by the Azerbaijani delegation provided any factual information to support such a claim.

31. The former autonomous region of Nagorny Karabakh had always been populated by Armenians. The territories surrounding it had come under Armenian control as a result of the war unleashed by Azerbaijan in an attempt to suppress the peaceful struggle of the people of Nagorny Karabakh for self-determination. Currently, those territories served as a buffer between Nagorny Karabakh and Azerbaijan; there had been no fighting there since the 1994 ceasefire. The situation was monitored by OSCE on a monthly basis, and no dangerous developments in the conflict had been reported. Dual-track negotiations were proceeding between the Presidents of Armenia and Azerbaijan and the Ministers for Foreign Affairs. The most recent meeting between the two Presidents had taken place only one month earlier.

32. There were no settlements outside Nagorny Karabakh in the territories controlled by Armenian forces, nor was there any policy to settle those lands. As to the claims that a new demographic situation was being created, the conflict had produced many refugees on both sides. For example, more than 400,000 Armenians had been driven from their homes in Azerbaijan, despite living in major cities far from the fighting. While some of those persons had settled in Nagorny Karabakh, no observer or visiting official had reported the existence of any illegal settlement in the surrounding territories. His Government had invited the United Nations to dispatch a verification team in order to lay those charges to rest.

33. The Nagorny Karabakh peace process had picked up speed over the past year. Instead of duplicating the existing mechanisms for the settlement of the conflict, the sides should make maximum use of them. The complex issues under discussion, including security arrangements, territories, refugees and internally displaced persons, communications and the lifting of the blockade could not be resolved individually or without a clear understanding on the final status of Nagorny Karabakh. A piecemeal approach would, at best, postpone a lasting solution to the conflict, but it might also make a comprehensive agreement impossible and endanger the relative stability established.

34. The request by Azerbaijan was politically motivated and was aimed at manipulating public opinion. In that connection, he stressed that the conflict in Nagorny Karabakh had no religious element and appealed to the States members of OIC to consider the issue on the merits, not on the basis of religious affiliation. The inclusion of the item in the agenda could have devastating consequences in both the conflict area and the entire South Caucasus. He therefore urged the Committee not to recommend the approval of the request.

35. **Mr. Cools** (Belgium) said that, although any State had the right to request the inclusion of an item in the agenda of the General Assembly, his delegation believed that the issue of Nagorny Karabakh was best addressed within the framework of the Organization for Security and Cooperation in Europe (OSCE), in particular the Minsk Group. He also noted that the request for inclusion of a new item in the agenda of the General Assembly was not supported by all the parties concerned; its inclusion could therefore increase tensions in the region. His delegation believed the request could not be justified.

36. **Mr. Grey-Johnson** (Gambia) recalled that, despite numerous resolutions of the Security Council and the General Assembly calling for the unconditional ending of the illegal occupation of the Azerbaijani territories and drawing attention to the serious humanitarian situation, as well as the efforts of the Minsk Group, no settlement had been reached. The situation was not improving and continued to pose a threat to international peace and security and merited serious consideration by the General Assembly. He supported the inclusion of that issue in the agenda of the fifty-ninth session of the General Assembly.

37. **Mr. Zain** (Malaysia) supported the inclusion of the issue in the agenda of the General Assembly. The situation was urgent and it was appropriate for the delegation of Azerbaijan to request that it be considered by the General Assembly.

38. **Mr. Tesch** (Australia), while recognizing the right of Member States to bring urgent matters before the General Assembly, said that existing efforts on the part of the international community to find a lasting solution to the situation in Azerbaijan, and in particular the OSCE peace process, were the most appropriate forum for settlement of that conflict. He was not convinced that inclusion of an additional item in the agenda of the General Assembly would be helpful; it could in fact complicate efforts to achieve a lasting settlement.

39. **Mr. Kazykhanov** (Kazakhstan) said that Kazakhstan had always advocated the settlement of international and regional conflicts exclusively by peaceful means. That commitment had been demonstrated by its efforts in the early 1990s to achieve a solution to the conflict in the Nagorny Karabakh region of Azerbaijan. Regrettably, that initiative had not led to an improvement in the situation. A helicopter carrying Kazakh peacekeepers had been shot down, and the Deputy Minister of Internal Affairs of Kazakhstan had been among the dead.

40. While his Government shared the concern of the international community about the situation in Nagorny Karabakh and was making every effort to facilitate meetings between the sides in the conflict in both bilateral and multilateral forums, it opposed any interference in the internal affairs of the States of the region that might lead to an escalation of tension, an increase in the number of refugees and displaced persons or a worsening of the humanitarian situation, or that might create a threat to the territorial integrity, independence, security and stability of those States. At the same time, it recognized the need to bring peace to the South Caucasus by settling the conflicts in the region under the auspices of the Minsk Group and on the basis of the norms and principles of international law and the relevant resolutions of the Security Council. That would serve the interests of all the States concerned and strengthen stability throughout the Eurasian region.

41. **Mr. Akram** (Pakistan) stressed the right of a Member State to bring any question relating to the maintenance of international peace and security before the General Assembly, in accordance with Article 11, paragraph 2, of the Charter of the United Nations; the General Assembly likewise had the right to recommend measures for the peaceful adjustment of any situation (Article 14). The task of the General Committee was to take decisions on matters relating to procedure, not substance; he therefore supported inclusion of the additional agenda item and looked forward to consideration of the substance of the issue by the General Assembly.

42. **Mr. Yahya** (Djibouti) supported the right of the representative of Azerbaijan to request the inclusion of an additional item in the agenda of the General Assembly, in view of the lack of real progress towards a settlement over the past 10 years, despite efforts such as those by the Minsk Group. It was not acceptable to allow the current situation to continue.

43. **The Chairman** said that a vote had been requested on the question of the inclusion in the agenda of the current session of the General Assembly, under heading A (Maintenance of international peace and security) of an additional item entitled "The situation in the occupied territories of Azerbaijan".

44. *The proposal was adopted by 9 votes to none, with 14 abstentions.*

45. **The Chairman** said he took it that the General Committee wished to recommend that the item should be considered directly in plenary meeting.

46. *It was so decided.*

47. **Mr. Li Junhua** (China) said his delegation shared the concerns expressed by the representative of Azerbaijan and supported the right of a delegation to request consideration of any situation involving a

threat to its independence, territorial integrity or sovereignty. He hoped that with the support of the international community, including his delegation, and in accordance with the relevant resolutions of the General Assembly and the Security Council, a peaceful solution would be found in Nagorny Karabakh. A settlement acceptable to both Armenia and Azerbaijan would have a positive effect on the stability and prosperity of those two countries as well as the region as a whole.

48. **Mr. Aliyev** (Azerbaijan) welcomed the Committee's decision to accede to its request to include an additional item in the agenda of the General Assembly which was of vital importance to his country. He agreed with the representative of Armenia that there should be international verification of the current situation on the ground.

49. *Mr. Martirosyan (Armenia), Mr. Grey-Johnson (Gambia), Mr. Zain (Malaysia), Mr. Pamir (Turkey) and Mr. Akram (Pakistan) withdrew.*

Joint debate on agenda item 36 (The situation in the Middle East) and agenda item 37 (Question of Palestine).

50. **The Chairman** said that the representative of the Syrian Arab Republic had expressed the wish to address the Committee on that matter. Rule 43 of the rules of procedure did not apply. He took it that the Committee wished to accede to the request.

51. *It was so decided.*

52. *At the invitation of the Chairman, Mr. Atieh (Syrian Arab Republic) took a place at the Committee table.*

53. **Mr. Atieh** (Syrian Arab Republic) recalled that he had already spoken on the same matter at the previous meeting of the Committee. The report of the Secretary-General on revitalization of the work of the General Assembly (A/58/864) had recommended that the General Assembly hold a joint debate on agenda items 37 and 38 at its current session. He wished to request, on behalf of the Arab Group, that the two agenda items be considered separately, as had been the custom in the past, and that the programme of work of the plenary of the General Assembly be adjusted accordingly.

54. **The Chairman** said he took it that the General Committee wished to recommend to the General Assembly that the consideration of agenda items 36 and 37 should be separated.

55. *It was so decided.*

The meeting rose at 10. 25 a.m.